

Remarks/Arguments

Applicants thank the Examiner for the opportunity to discuss the claims with her on January 11, 2005. Applicants also thank the Examiner for her helpful suggestions.

Claims 1, 3 and 5-11 are pending. Claim 12 is newly added.

Applicants note that the Examiner indicated in the Interview Summary that this Office Action is a **Non-Final Office Action**.

Applicants' representative agrees with the substance of the Interview Summary, dated January 11, 2005. More specifically, claim 4 has now been combined with claim 1 (claim 4 has been canceled). In addition, the phrase "or in an existing man-made structure" at line 4 of claim 1 has also been deleted. Applicants' representative also indicated that claim 12 would be added to recite that "the surface" of claim 1 is "a road surface".

Section 102 Rejections:

Claims 1-5 and 11 have been rejected as being anticipated by Freneix. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not suggested by the cited reference, namely:

- separately providing a detectable material on a surface so that portions of the detectable material will be present in the failure(s) of the existing man-made structure that accentuates the failure . . .
- **the digital image(s) is captured by a capture device which is located in an aircraft or satellite.**

Basis for amended claim 1 may be found, for example, in FIG. 5. As shown, aircraft 21 is configured to detect an image on surface 22.

Freneix discloses capturing an image of an existing man-made structure, where the camera is disposed in a robotic device. Freneix does **not** disclose capturing an image of an existing man-made structure, where the **digital image is captured by a device located in an aircraft or satellite.**

Claims 3, 5 and 11 depend from amended claim 1 and are, therefore, not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

Section 103 Rejections:

Claims 6-10 have been rejected as being obvious in view of Freneix and Usami. Applicant respectfully submits that this rejection is overcome for the reasons set forth below.

Amended claim 6, which depends from amended claim 1, includes the following additional feature:

- the detectable material interacts with incident **radiation emitted from an aircraft or satellite** . . .

Amended claim 6 now explicitly recites that the incident radiation is emitted from an aircraft or satellite. In other words, the incident radiation is transmitted from the aircraft or satellite.

Freneix, on the other hand, discloses an imaging system that captures images of an existing man-made structure. These images are captured **passively** by a sensor. Freneix does **not** disclose **active transmission** of incident radiation from an aircraft or satellite.

Usami discloses a method for producing an optical information recording medium. Usami does **not** disclose emitting radiation from an aircraft or satellite to detect material on a surface.

Favorable reconsideration is separately requested for amended claim 6.

Claims 7-10 depend from amended claim 6 and are, therefore, not subject to rejection in view of the cited references for at least the same reasons set forth for amended claims 1 or 6.

Newly Added Claim 12:

Newly added claim 12 further limits claim 1 by reciting that the detectable material is separately provided on a **road surface**. Claim 12 limits the surface to a road surface, as shown in FIG. 5 (for example).



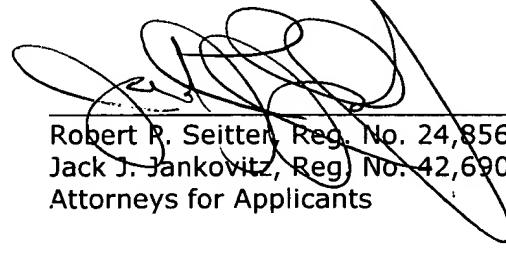
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Conclusion

Claims 1, 3, 5-11 and newly added claim 12 are in condition for allowance.

Respectfully submitted,


Robert R. Seitter, Reg. No. 24,856
Jack J. Jankovitz, Reg. No. 42,690
Attorneys for Applicants

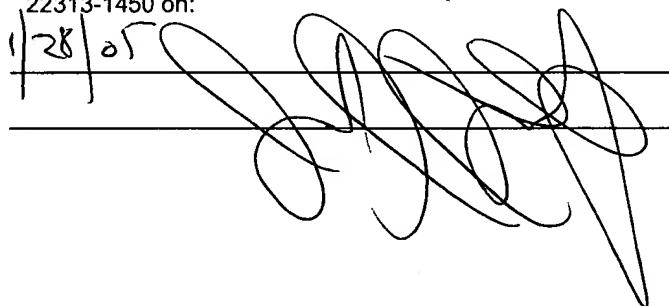
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Dated: January 28, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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